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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,000	11/06/2000	Jon A. Wolff	Mirus.018.01	8513

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MIRUS CORPORATION
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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/707,000

Applicant(s)

WOLFF ET AL.

Examiner

Michael C. Wilson

Art Unit

1632

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 17 June 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file a complete new brief in compliance with 37 CFR 41.37 within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed or confirmed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

**MICHAEL WILSON
PRIMARY EXAMINER**



Continuation of 10. Other (including any explanation in support of the above items):

While pg 2, Item 5, describes what applicants believe to be the invention, the "Summary of the Invention" does not explain the subject matter defined in the independent claim. Nowhere do applicants explain the subject matter defined in claim 1. For example, applicants state the invention requires applying a cuff to the skin and/or fur or a mammal but do not explain whether the claims encompass applying a cuff to the skin and/or fur of the mammal. Applicants also state applicants' invention relates to applying a cuff in a non-invasive manner, e.g. without an open surgical wound, but do not explain whether the claims encompass applying a cuff without a surgical wound.

On pg 3, item 6, the "Issues" are not clearly set forth. The 2nd full paragraph should relate to 112, first paragraph, enablement. The 3rd full paragraph should be two paragraphs, one describing the 112/2nd paragraph rejection and the other describing the 102 rejection. The paragraph describing the 102 rejection should indicate claims 1, 3, 34, 35 and 39 are rejected under 102 as being anticipated by Milas - not claims 1-3, 6-9, 11-14, 16-22, 24-26, 28-31, 34-36 and 39 as indicated. The three separate obvious-type double patenting (ODP) rejections should be separated. As written, it appears as though applicants are stating 09/707,117 is now US Patent 6,379,966.

On pg 3, item 8, the arguments regarding the 112, first paragraph, written description rejection should be separate from the arguments regarding the 112, first paragraph, enablement rejection. Each argument should have its own heading.

It is noted that the inventors in application 09/707,117 are the same as those in the instant application.

It is also noted that application 09/916,154 has been abandoned.